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 REJECTION OVER A PRIOR PATENT**

Docket Number : HRT0279

Where Application of: Stephen W. Boyd et al.
 Application No.: 09/982,502
 Filed: October 18, 2001
 Title: Devices and Methods for Port-Access Multivessel Coronary Artery Bypass

The owner*, Heartport, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,799,661. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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/Brian S. Tomko/

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